IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 14555 of 2004

Between:

Ch. Krishnamma W/o. Venkata Reddy, R/o. Vemula (V), Mandlamur (M), Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Prakasam District at Ongole.
2 The Revenue Divisional Officer, Kandukur, Prakasam District.
3 The Mandal Revenue Officer, Mandlamur(M),
Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order of the 1st respondent in Rc.CS2/2878/2004, Dt. 13.8.2004 thereby rejecting petitioner's stay petition against operation of order of 2nd respondent issued in Rc.F1824/2004, Dt. 3.8.2004 is illegal, irregular and violative of Art: 14,19 and 21 of the constitution of India and AP Schedule Commodities (Regulation of Distribution by Card System) Order 2001 and quash the same and consequently direct the respondents to continue him as fair price shop dealer for Vemula Village, Mandlamur Mandal, Prakasam District pending disposal of the appeal on the file of 1st respondent in the interests of Justice.

Counsel for the Petitioner: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORDER:

The petitioner is an authorised dealer in respect of the Fair Price Shop of Vemula village, Mundlamur Mandal, Prakasam District. Her authorisation was suspended, pending enquiry by the Revenue Divisional Officer by proceedings dated 03.08.2004. Aggrieved by the same, she preferred an appeal before the first respondent-Joint Collector. The Joint Collector having entertained the appeal, by orders dated 13.08.2004 rejected the request of the petitioner for stay of operation of the orders of the Revenue Divisional Officer. Hence, this writ petition challenging the order of the Joint Collector, dated 13.08.2004.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

A perusal of the order dated 03.08.2004 shows that the Mandal Revenue Officer, who conducted preliminary enquiry on the basis of the allegations received from the villagers, submitted a report stating that the petitioner has diverted the rice to the black market. On the basis of the said report, the order of suspension was passed and the enquiry is still pending.

In the circumstances and keeping in view the nature of the allegations made against the petitioner, I do not find any infirmity in the impugned proceedings dated 13.08.2004 rejecting to grant stay. However, I deem it appropriate to dispose of the writ petition with a direction to the Joint Collector to dispose of the appeal as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

17.08.2004

Note: Furnish CC in two days

(b/o)

VGB

To

1 The Joint Collector, Prakasam District at Ongole.
2 The Revenue Divisional Officer, Kandukur, Prakasam District.
3 The Mandal Revenue Officer, Mandlamur(M),
Prakasam District.

4 2CCs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad (OUT)

5 2CD copies